BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

MINUTES

Regular Meeting October 4, 2011

<u>Call to Order</u> A regular meeting of the Stafford County Board of Supervisors was called to order by Mark Dudenhefer, Chairman, at 3:02 p.m., Tuesday, October 4, 2011, in the Board Chambers, Stafford County Administration Center.

Roll Call The following members were present: Mark Dudenhefer, Chairman; Paul V. Milde III, Vice Chairman; Gary F. Snellings; Susan B. Stimpson; Cord A. Sterling; and Robert "Bob" Woodson. Harry E. Crisp II was absent.

Also in attendance were: Anthony J. Romanello, County Administrator; Charles L. Shumate, County Attorney; Marcia C. Hollenberger, Chief Deputy Clerk; Pamela L. Timmons, Deputy Clerk; associated staff, and interested parties.

Legislative; Presentations by the Public:

The following persons desired to speak:

Ora Barnes - Landslide in Austin Ridge
Robin Bennett - Landslide in Austin Ridge
Fallon O'Leary-Pennington - Landslide in Austin Ridge
Michele O'Leary - Landslide in Austin Ridge
Dan O'Leary - Landslide in Austin Ridge
Barry Hill - Additional soccer fields

Victoria Tom - Additional soccer fields

Wayne Martin - Additional soccer fields

Heidi McPherson - Additional soccer fields

Kyle Lessig - Additional soccer fields

Paul Bertrand - Additional soccer fields

Tasha Razinski - Additional soccer fields

<u>Schools Report – Dr. Randy Bridges, Superintendent</u> Dr. Bridges outlined several success stories within the School Division as well as discussing with the Board his six core beliefs: 1. Providing high quality teachers for every classroom; 2. Early intervention; 3. Class size; 4. K-8 structured math and reading programs; 5. Use of time/structure; and 6. Professional development. Dr. Bridges also displayed a chart by Dr. Phil Schlechty.

Mr. Woodson thanked Dr. Bridges for doing a great job and asked about the number of seats in the (new) Stafford High School auditorium being reduced from 1000 to 805. Dr. Bridges responded that in the proto-type, the number of seats was 805.

Mr. Sterling also thanked Dr. Bridges, commenting that he was pleased to hear the success stories. Mr. Sterling said that he checked on-line SOL scores at various schools, grades, and subjects, and that Stafford County Schools consistently outscores other localities (not Fairfax, but close). He said that if one group does not meet AYP, the whole school fails which Mr. Sterling feels is unfortunate. Dr. Bridges agreed and said that rather, AYP should measure individual student outcomes.

Ms. Stimpson said that it was nice having Dr. Bridges at the Board meeting. She said that Dr. Bridges is a great cheerleader and tells a positive story. Ms. Stimpson said that the County has a need for intervention to avoid falling math and science scores. She talked about the need for enhanced K-3 and Head Start programs. Ms. Stimpson also asked about the percentage of the budget that was dedicated to high school math, science, and technology and talked about the need to foster these subjects in our students to ensure the security of our Country.

Dr. Bridges said that while he did not wish to take the focus away from those areas, he felt strongly that if a solid job is done in grades K-3, and continue to ensure that students

are at or above grade level in reading and math skills, that success will continue and be evidenced throughout high school and in all areas of education.

Mr. Woodson asked about the per pupil expenditures vs. other localities in Virginia. Dr. Bridges said that based on numbers reported on the School website, Stafford ranked 108th out of 133 districts. Ms. Stimpson interjected that the numbers on the website were incorrect and had been removed. Discussion ensued between Mr. Sterling, Ms. Stimpson, and Mr. Milde about state funding/contribution levels to local school systems.

Saying that he looked at AYP numbers, Mr. Dudenhefer asked Dr. Bridges about funding cuts and if, in Dr. Bridges' opinion, they caused lower AYP percentages. He added that he thinks that AYP is broken in the way the numbers are being counted. Dr. Bridges said that AYP requirements go up each year and that it is an "all or none" proposition.

Dr. Bridges was asked to provide the Board with the six bullet points that he described.

<u>Stafford Regional Airport Annual Update</u> Mr. Hank Sharpenberg and Mr. Ed Wallis were in attendance and made a presentation detailing the Airport's annual activities, successes and opportunities for improvement. Mr. Sharpenberg was asked to provide a copy of the Annual Financial Report to the Board.

Ms. Stimpson asked Mr. Sharpenberg to elaborate on the obstruction issue he referred to. Mr. Sharpenberg said that it had to do with removal of trees and the ability to turn back on the Glide Slope which is why corporate jets were not using the airport. Ms. Stimpson then asked about the plan for financing the proposed new terminal. Mr. Sharpenberg said that financing was funded by 60% state contribution and 40% (\$1.8M) local.

Mr. Milde said that he wanted it to be clear that it was proven by revenue numbers, hangar rentals, etc., that lowering the aircraft taxes to "zero" created a self-sustaining situation and one that will eventually result in the building of a new terminal. Mr. Sharpenberg said that the hangars are nearly full and that fuel sales increased. Mr. Milde said that it had been a long process to lower aircraft taxes and that it did not have a negative effect on profits.

Mr. Sterling asked if the FAA would help fund the new terminal. Mr. Wallis replied that Stafford Airport is not entitled to FAA funds because no commercial service was offered.

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Ms. Stimpson said that she, along with Mr. Snellings and Mr. Milde, visited during

FPED, adding that Mr. Wallis is going a great job and that events like FPED continued to

contribute to the economy. Mr. Dudenhefer thanked Mr. Sharpenberg and Mr. Wallis

and said that they were doing a great job.

<u>R-Board Update – Andrew Mikel</u> Mr. Mikel gave a presentation and an overview of the

past year's activities at the Landfill and by the R-Board. He reported that the recycling

rate was 56.8% and there were 250,000+ visits annually by residents of the City of

Fredericksburg and Stafford County. They are working with Marine Corps Base

Quantico on recycling programs. The compost structure will open soon to take sludge

from the Aquia Waste Water Treatment Plant. There were 500 participants in the

"Backyard Composting" program. A new website (www.r-board.org) will soon be

unveiled. There were 22 tours of the landfill conducted last year.

Mr. Milde commented about his participation on the R-Board (along with Dr. Crisp) and

that recycling will prolong the life of the Landfill He said that sludge equals money for

the County and concluded his remarks by saying that it was a pleasure to work with Mr.

Mikel and members of the R-Board.

Mr. Dudenhefer said that the only complaint he receives is that citizens wish that the

hours could be extended at the Landfill. He thanked Mr. Mikel and his staff for helping

to make Stafford County a great place to live.

Before recessing to the groundbreaking ceremony, Ms. Stimpson motioned, seconded by

Mr. Snellings, to adopt proposed Resolution R11-281 which named the Courthouse

Annex, the "Chichester Building."

The Voting Board tally was:

Yea:

(6) Stimpson, Snellings, Dudenhefer, Milde, Sterling, Woodson

Nay:

(0)

Absent: (1)

Crisp

Resolution R11-281 reads as follows:

A RESOLUTION TO NAME THE "CHICHESTER BUILDING"

WHEREAS, the Board authorized the award of a contract for construction of a new building to serve as offices for the Commonwealth's Attorney, the Court Services Unit, and the Victim Witness staff; and

WHEREAS, the Board has unanimously decided to dedicate and name the new building the "Chichester Building"; and

WHEREAS, this dedication is in honor of the public service of R.H.L. Chichester who served as the Commonwealth's Attorney for Stafford County for 32 years and his son, Daniel Chichester, who has entered his 40th year as Commonwealth's Attorney and will retire this year; and

WHEREAS, for over seven decades, the Chichester's have served our community with distinction;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of October 2011, that the name of the new building be and it hereby is named the "Chichester Building."

Recess At 4:28 p.m., the Chairman declared a recess until 7:00 p.m.

Groundbreaking Mr. Milde served as Master of Ceremonies at the groundbreaking of the "Chichester Building". Present were members of the Chichester family, the Board, staff from the Commonwealth's Attorney's Office, the Court Services Unit, and Victim Witness staff, staff from County departments, citizens, and members of the media. Commonwealth's Attorney, Mr. Dan Chichester, made remarks and a copy of R11-281, authorizing the name of the building was presented to Dan, John and Richard Chichester.

<u>Call to Order</u> At 7:06 p.m., the Chairman called the meeting back to order.

Invocation Mr. Milde gave the Invocation.

Pledge of Allegiance Mr. Dudenhefer led the Pledge of Allegiance.

<u>Legislative</u>; <u>Presentations by the Public</u>

The following persons desired to speak:

Doug Bly - Additional fields for soccer

Dean Fetterolf - Steep Slopes / Schools

Chuck Feldbush - FOIA request

Patricia Clausen - Stafford Hospital appreciation

Frances Buyers - Speed limit / Poplar Road widening

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Legislative; Additions and Deletions to the Regular Agenda Mr. Sterling motioned,

seconded by Mr. Milde, to adopt the agenda, with the additions of Item 24. Name the

Courthouse Annex the "Chichester Courthouse Annex" (proposed Resolution R11-281);

and Item 25. Authorize a Public Hearing to Request VDOT Transportation Enhancement

Program Funding for Continued Planning and Construction of the Belmont-Ferry Farm

Trail System (proposed Resolution R11-287).

The Voting Board tally was:

Yea:

(5) Sterling, Milde, Dudenhefer, Snellings, Woodson

Nay:

(0)

Absent: (2)

Crisp, Stimpson

Ms. Stimpson arrived at 7:25 p.m.

Planning and Zoning; Amend and Reordain the Zoning Ordinance by Reclassifying 18.6

Acres from R-1 Suburban Residential to B-2 Urban Commercial Zoning District Mr.

Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board

members questions. Mr. Chris Hornung (with Silver Cos.) also answered Board

members questions.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Snellings motioned, seconded by Ms. Stimpson, to defer this item to the October 18th

Board meeting in order for additional information regarding parking, redevelopment

plans, and other legal matters that were asked to be provided to the Board.

The Voting Board tally was:

Yea:

(6) Snellings, Stimpson, Dudenhefer, Milde, Sterling, Woodson

Nay:

(0)

Absent: (1)

Crisp

Planning and Zoning; Amend and Reordain the Zoning Ordinance by Reclassifying 1.48

Acres from B-1, Convenience Commercial to R-3, Urban Residential-High Density and

Amend Proffered Conditions on 7.60 Acres at 1901 Fox Chase Boulevard Mr. Jeff

Harvey, Director of Planning and Zoning, gave a presentation and answered Board

members questions. Mr. Charlie Payne (for the applicant) answered Board members

questions.

Mr. Sterling inquired about the difference in the given right-of-way vs. recommended. Mr. Harvey said that recommended is 80' from the center-line of the median, whereas this project, if approved, would allow for 60' from the center-line. Mr. Woodson asked about the impact on Drew Middle School. Mr. Harvey answered that the design has not yet been finalized. It may bring the road closer to Drew MS and may have an impact on the green space in front of the school. But at this time, that is just speculation.

Mr. Woodson asked about concerns expressed by the Planning Commission. Mr. Harvey said that there was concern about the impact on the current tenants which led to the applicant increasing the relocation amount being allocated to each tenant (\$200). Ms. Stimpson said that relocation had also been brought up in meetings that she attended. To help alleviate troubles for existing tenants, the developer is going to provide relocation counseling, and will give tenants 90-day notice, as well as the aforementioned \$200 stipend.

Mr. Sterling talked about the number of new apartments being planned and the resulting change in monetary proffers. Ms. Stimpson said that the proffers equaled nearly \$1M and there would be trails and a Tot-lot provided for residents. Because a portion of the property backs up to Mr. Chichester's property, Ms. Stimpson inquired if Mr. Chichester attended the Planning Commission meeting. Mr. Harvey replied that Mr. Chichester did attend the Planning Commission and expressed his support for the project.

Mr. Milde inquired about the average square footage of the units. Mr. Payne replied that the average square footage (including a garage) was approximately 2000 s.f. on three levels. Mr. Milde asked about the proposed timeline for completion of the project. Mr. Payne said that they hoped to be completed within twenty-four months.

Ms. Stimpson said that she had been working with Mr. Payne since the onset of the project and talked about the additional \$1M in proffers with approximately \$500k going to Parks, Recreation and Community Facilities and to the Schools. Ms. Stimpson added that she looks forward to what is happening in the area of this project.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Ms. Stimpson motioned, seconded by Mr. Snellings, to adopt proposed Ordinance O11-22.

The Voting Board tally was:

Yea: (6) Stimpson, Snellings, Dudenhefer, Milde, Sterling, Woodson

Nay: (0)

Absent: (1) Crisp

Ordinance O11-22 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE PROFFERED CONDITIONS ON ASSESSOR'S PARCELS 45-217, ZONED R-3, URBAN RESIDENTIAL-HIGH DENSITY, AND TO RECLASSIFY FROM B-1, CONVENIENCE COMMERCIAL ZONING DISTRICT, TO R-3, URBAN RESIDENTIAL-HIGH DENSITY ZONING DISTRICT ON ASSESSOR'S PARCEL 45-217A, WITHIN THE FALMOUTH ELECTION DISTRICT

WHEREAS, Fox Chase Apartments, LLC, has submitted application RC1100029 requesting an amendment to proffered conditions on Assessor's Parcel 45-217 zoned R-3, Urban Residential-High Density and a reclassification from B-1, Convenience Commercial Zoning District to R-3, Urban Residential-High Density Zoning District, on Assessor's Parcel 45-217A; and

WHEREAS, the Board has carefully considered the recommendations of the Planning Commission and staff, and public testimony at the public hearing; and

WHEREAS, the Board has determined that the requested amendment to proffered conditions is appropriate; and

WHEREAS, the Board has determined that the requested zoning is compatible with the surrounding land uses and zoning; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice requires adoption of an ordinance to amend the proffered conditions on the Assessor's Parcel 45-217 and to reclassify Assessor's Parcel 45-217A;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 4th day of October, 2011, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the zoning district map to amend proffered conditions on Assessor's Parcel 45-217, zoned R-3, Urban Residential-High Density, and to reclassify from B-1, Convenience Commercial Zoning District, to R-3, Urban Residential-High Density, Zoning District on Assessor's Parcel 45-217A, with proffers entitled "Proffer Statement," and dated September 7, 2011.

<u>Legislative</u>; <u>Presentations by Members of the Board</u> Board members spoke on the topics as identified:

Gary Snellings - Sheriff Jett's Crime Rate Report

Cord Sterling - Mr. Sterling made the following statement:

"The other day a County resident asked me why the Board of Supervisors does not put out an annual "State of the County" report like the President gives for the United States and the Governor gives for the Commonwealth of Virginia. While I had no good answer, it did make me reflect on where we are as a community and what someone would consider to be the State of the County.

Census figures recently released reveal that Stafford County is ranked number 7 for highest median income in the Country. We also have one of the lowest poverty levels at 3.9% vs. 14.3% nationally -- lower than that of even Beverly Hills, California. We have one of the lowest unemployment rates at 5.1%, putting it far below other jurisdictions in Virginia and the United States. In a state consistently ranked at the top nationally for its favorable business climate, Stafford ranked number 2 for job growth and number 4 for business growth.

While European nations, the federal government, many states and localities are running considerable deficits, Stafford recently reported a \$9.8 million surplus. The great recession led many localities to raise tax rates, cut funding for public safety, and close schools. Stafford was able to cut taxes for the average homeowner each of the last two years, repeal BPOL, increase funding and personnel for public safety, and provide raises to teachers in each of the last two years. Much of this was made possible by an aggressive economic development effort and reducing the size of the general government by 20%--returning it to 2006/2007 levels.

For years we have heard of the deteriorating state of the U.S. infrastructure and Stafford certainly has some challenges. We have begun an infrastructure improvement program that includes renovating or replacing some of our older schools and adding a new Career and Technical Education facility. We are also reconstructing many of our worst roads with work on Rt. 17, Garrisonville Rd, Courthouse Rd, the Falmouth intersection, with many others well on the way and scheduled for completion over the next few years.

Furthermore, we are in the process of improving and expanding our parks facilities. Chichester Park and Musselman Park are both being designed and we just entered negotiations to acquire the property and construct the facilities of the multi-field sports complex that was approved by voter referendum in 2009. In addition, the County has received a number of proposals from private entities that are looking to expand our aquatics facilities which is in addition the scheduled replacement of the pool at Curtis Park. I cannot emphasize enough the need to get our Parks projects moving and bring them online and available to the public as quickly as possible.

Stafford students continue to receive higher scores than our regional neighbors including Spotsylvania and Prince William counties. This is a testament to the hard work of the teachers and the support of parents. However, we can and should seek to do better so that we can surpass the scores in Fairfax County. Recognizing that the School Board will, by necessity, take the lead in this area, everyone in the community has an important role to play. While we have increased teacher compensation in each of the last two years in order to be more competitive, we need to do more including getting more teachers and technology into the classroom.

Stafford continues to be one of the safest communities in the region with the lowest crime rate and improving response times for Fire and EMS. The latest data shows that our crime rates have decreased by 17% over the last 10 years and are substantially below both Prince William and Spotsylvania. We also added a new Gang Task Force to combat pressures from Northern Virginia and added 19 new Fire and EMS personnel to improve our Fire and Rescue response times.

I don't know why we do not put out an annual State of the County because we have very good news to report. Granted that everything depends upon your perspective, but I am awfully glad I live in Stafford County and not Greece, or even Beverly Hills, California."

Susan Stimpson - Attended her son's Boy Scout meeting;

Sheriff Jett's Crime Rate Report

Bob Woodson - Austin Ridge landslide area visit

Paul Milde - Austin Ridge homes;

9/11 Memorial; Landfill stop sign;

Chamber of Commerce Board;

Lions Club:

VRE; MDI Dedication;

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Hot Lanes meeting

Mark Dudenhefer

Response to FOIA; Austin Ridge homes

Legislative; Report of the County Attorney Mr. Charles Shumate deferred.

<u>Legislative</u>; Report of the County Administrator Mr. Anthony J. Romanello, County Administrator, introduced Ms. Donna Krauss, Assistant to the County Administrator for Human Services, who gave an update on the Heather Empfield Day School and Transitional Center as well as the Human Services Master Plan Annual Report.

<u>Legislative</u>; <u>Consent Agenda</u> Ms. Stimpson motioned, seconded by Mr. Snellings, to adopt the Consent Agenda, consisting of Items 7 thru 20, omitting Items 13 and 14 at the request of Mr. Woodson.

The Voting Board tally was:

Yea: (6) Stimpson, Snellings, Dudenhefer, Milde, Sterling, Woodson

Nav: (0)

Absent: (1) Crisp

Item 7. Approve Minutes of the September 20, 2011 Board Meeting

Item 8. Finance and Budget; Approve Expenditure Listing

Resolution R11-271 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL) DATED SEPTEMBER 20, 2011 THROUGH OCTOBER 3, 2011

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of October, 2011 that the above-mentioned EL be and hereby is approved.

<u>Item 9. Legislative</u>; Authorization to Cancel the November 1, 2011 Board of Supervisors Meeting

Resolution R11-280 reads as follows:

A RESOLUTION TO CANCEL THE BOARD OF SUPERVISORS MEETING SCHEDULED FOR NOVEMBER 1, 2011

WHEREAS, in Resolution R11-07, the Board established its regular meeting schedule for 2011; and

WHEREAS, it is now the desire of the Board to cancel its regular meeting scheduled for November 1, 2011, in accordance with Virginia Code Section 15.2-1416;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of October, 2011, that the regularly scheduled meeting on November 1 2011, be and it hereby is cancelled.

Item 10. Public Works; Award Contract for the Courthouse Annex Building Resolution R11-278 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR THE CONSTRUCTION OF THE COURTHOUSE ANNEX BUILDING

WHEREAS, the Board, at its October 5, 2010 meeting, authorized the design of an annex to the Stafford Courthouse to serve as offices for the Commonwealth Attorney and Court Services staff; and

WHEREAS, the Board subsequently requested staff to design the building to provide space for the Victim/Witness Assistance staff as well; and

WHEREAS, the design of the Annex building was completed and the construction of the Annex building was offered for public bid; and

WHEREAS, eleven bids were submitted, with the lowest bid provided by Falls Church Construction Corporation in the amount of \$2,724,000; and

WHEREAS, staff has reviewed the bids and determined that Falls Church Construction Corporation is the lowest responsive bidder;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of October, 2011 that the County Administrator be and he hereby is authorized to execute a contract with Falls Church Construction Corporation in an amount not to exceed Two Million Seven Hundred Twenty-four Thousand Dollars (\$2,724,000) unless amended by a duly-executed contract amendment, for construction of the Courthouse Annex building.

Item 11. Public Works; Petition the Virginia Department of Transportation to Include Janney Lane and Gibson Drive within Oakley Farms Subdivision, Section 1; Penningcroft Lane, Berkley Manor Drive, Mill Spring Drive, Idlebrook Way, and Village Parkway within Stafford Lakes Village, Section 11, into the Secondary System of State Highways

Resolution R11-261 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE JANNEY LANE AND GIBSON DRIVE WITHIN OAKLEY FARMS SUBDIVISION, SECTION 1, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Janney Lane and Gibson Drive within Oakley Farms Subdivision, Section 1, into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected these streets and found them acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of October, 2011, that VDOT be and it hereby is petitioned to include the following streets within Oakley Farms Subdivision, Section 1, into the Secondary System of State Highways:

Street Name/Route Num	ber <u>Station</u>	<u>Length</u>
Janney Lane (SR-2270)	From: Poplar Road (SR-616) To: Gibson Drive (SR-2271)	0.23 mi. ROW 50'
Gibson Drive (SR-2271)	From: Inter. of Jenney Lane (SR-2270) To: 0.26 mi. NW Inter. Jenney Lane (SR-2270)	0.26 mi. ROW 50'
Janney Lane (SR-2270)	From: Inter. Gibson Drive (SR-2271) To: 0.21 mi. W Inter. Gibson Drive (SR-2271)	0.21 mi. ROW 50'

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled "Oakley Farms Subdivision, Section 1," recorded in PM060000061 with LR 060010042 on March 27, 2006; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and the Transportation and Land Use Director for the VDOT Fredericksburg District.

Resolution R11-262 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE VILLAGE PARKWAY, PENNINGCROFT LANE, BERKLEY MANOR DRIVE, MILL SPRING DRIVE, AND IDLEBROOK WAY WITHIN STAFFORD LAKES VILLAGE, SECTION 11 INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Village Parkway, Penningcroft Lane, Berkley Manor Drive, Mill Spring Drive, and Idlebrook Way Stafford Lakes Village, Section 11 into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected these streets and found them acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of October, 2011, that VDOT be and it hereby is petitioned to include the following streets within Stafford Lakes Village, Section 11, into the Secondary System of State Highways:

Street Name/Route Numb	<u>Station</u>	<u>Length</u>
Village Pkwy. (SR-1800)	From: Country Manor Dr. (SR-1825) To: Royal Crescent Way (Future SR-2280)	0.23 mi. ROW 110'
Village Pkwy. (SR-1800)	From: Royal Crescent Way (Future SR-2280) To: Inter. Berkley Manor Dr. (SR-2281)	0.08 mi. ROW 110'-54'
Village Pkwy. (SR-1800)	From: Berkley Manor Dr. (SR-2281) To: Penningcroft Ln. (SR-2283)	0.16 mi. ROW 54'
Village Pkwy. (SR-1800)	From: Penningcroft Ln. (SR-2283) To: Mill Spring Dr. (SR-2284)	0.08 mi. ROW 54'
Village Pkwy. (SR-1800)	From: Mill Spring Dr. (SR-2284) To: 0.18 W. Inter. Mill Spring Dr. (SR-2284)	0.18 mi. ROW 54'
Berkley Manor Dr. (SR-2281)	From: Village Pkwy. (SR-1800) To: 0.03 mi. Idlebrook Way (SR-2270)	0.03 mi. ROW 50'
Idlebrook Way (SR-2270)	From: Inter. Berkley Manor Dr. (SR-2281) To: 0.10 mi. N. Inter. Berkley Manor Dr. (SR-2281)	0.10 mi. ROW 50'
Penningcroft Ln. (SR-2283)	From: Inter. Village Pkwy. (SR-1800) To: Mill Spring Dr. (SR-2284)	0.14 mi. ROW 50'
Mill Spring Dr. (SR-2284) From: 0.04 mi. W. Inter. Penningcroft Ln. (SR-2283)	0.04 mi. ROW 50'

To: Penningcroft Ln. (SR-2283)

Mill Spring Dr. (SR-2284) From: Inter. Penningcroft Ln. (SR-2283) 0.10 mi.
To: Village Pkwy. (SR-1800) ROW 50'

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled Extension of Stafford Lakes Parkway and Various Easements on the Land of Stafford Lakes Village Inc., recorded in PB 31 PG 286-289, with LR 980009634 on May 29, 1998 and as evidenced by Plat of Record entitled Plat of Subdivision Section Eleven-A, Stafford Lakes Village, recorded in PM 060000137, with LR 060021676 on June 30, 2006 and as evidenced by Plat of Record entitled Plat of Subdivision Section Eleven-B, Stafford Lakes Village, recorded in PM 060000187, with LR 060029699 on September 14, 2006; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and the Transportation and Land Use Director for the VDOT Fredericksburg District.

Item 12. Public Works; Petition VDOT to Include Southern Way, Gold Cup Drive and Natchez Lane within Woodlands at Berea Subdivision, Section 1 into the Secondary System of State Highways

Resolution R11-264 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE SOUTHERN WAY, GOLD CUP DRIVE, AND NATCHEZ LANE WITHIN WOODLANDS AT BEREA SUBDIVISION, SECTION 1, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Southern Way, Gold Cup Drive, and Natchez Lane within Woodlands at Berea Subdivision, Section 1, into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected these streets and found them acceptable; and

WHEREAS, in accordance with Section 24 Va. Admin. Code 30-91-140, a Street Surety Bond in the amount of \$10,000 is required to be posted; however, VDOT has agreed to accept a resolution by the Board in lieu of a Surety Bond; and

WHEREAS, in accordance with Section 24 Va. Admin. Code 30-91-140, a Street Maintenance Fee of \$750 and Administrative Cost Recovery Fee of \$1,000 is required by VDOT and cannot be waived;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of October, 2011, that VDOT be and it hereby is petitioned to include the following streets within Woodlands at Berea Subdivision, Section 1, into the Secondary System of State Highways:

Street Name/Route Numb	<u>er</u> <u>Station</u>	<u>Length</u>
Southern Way (SR-1832)	From: Inter. Natchez Lane (SR-1542)	0.08 mi.
	To: 0.08 mi. N. of Inter. Natchez Lane (SR-1542)	ROW 40'
Gold Cup Drive (SR-1543	From: Inter. Trotter Lane (SR-1544)	0.06 mi.
	To: 0.06 mi. E. of Inter. Trotter Lane (SR-1544)	ROW 50'
Natchez Lane (SR-1542)	From: Inter. Trotter Lane (SR-1544)	0.09 mi.
	To: Southern Way (SR-1832)	ROW 50'

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, "Section 1B, Woodlands at Berea," recorded in Plat Book 30, Pages 230-231 with Land Record Number 970010850 on July 24, 1997; and Plat of Record entitled "Section 1C, Woodlands at Berea," recorded in Plat Book 30, Pages 232-233 with Land Record Number 970010851 on July 24, 1997; and

BE IT STILL FURTHER RESOLVED, the Board hereby guarantees the performance of the streets requested herein to become a part of the state-maintained Secondary System of State Highways for a period of one year from the date of this resolution and will reimburse all costs incurred by VDOT to repair faults in the streets and related drainage facilities associated with construction, workmanship, or materials as determined exclusively by VDOT; and

BE IT STILL FURTHER RESOLVED that a copy of this resolution be forwarded to the Transportation and Land Use Director for the VDOT Fredericksburg District.

<u>Item 15.</u> Economic Development; Approve Appointments to the Blue Ribbon Steering <u>Committee Commemorating the 350th Anniversary of Stafford County</u>

Resolution R11-267 reads as follows:

A RESOLUTION TO APPOINT MEMBERS TO A BLUE RIBBON STEERING COMMITTEE TO COMMEMORATE THE 350^{TH} ANNIVERSARY OF STAFFORD COUNTY

WHEREAS, having been founded in 1664, Stafford County is the 25th oldest county in the United States, and will be celebrating its 350th Anniversary in 2014; and

WHEREAS, this milestone should be commemorated and celebrated by all the people who reside and work in Stafford; and

WHEREAS, planning a year-long celebration will require energy, ideas, and resources from a wide range of individuals and groups;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of October, 2011, that it be and hereby does appoint the following volunteer members of this 10 person Blue Ribbon Steering Committee:

Harry E. Crisp Charles E. Jett Dan Chichester Cathy Yablonski James B. Schwartz David S. Kerr Cessie Howell Gary Snellings, Michael H. Lovitt Michael P. Neuhard Robert C. Gibbons ex-officio

BE IT FURTHER RESOLVED that Hartwood District Supervisor, Gary Snellings, shall serve on the Blue Ribbon Committee in an ex-officio capacity. Once seated, Committee members shall report their activities to the Board of Supervisors, via Supervisor Snellings, in early 2012, and, as warranted, regularly thereafter.

Item 16. Utilities; Award Contract to J. L. Kent & Sons, Inc. to Construct the Berea Estates – Cool Well Court Extension for the Rocky Pen Run Reservoir Dam Project Resolution R11-272 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR CONSTRUCTION OF THE COOL WELL COURT EXTENSION FOR ROCKY PEN RUN RESERVOIR

WHEREAS, the Board authorized the design of the Rocky Pen Run Reservoir; and

WHEREAS, the inundation of the Rocky Pen Run Reservoir will eliminate public road access for three lots in Berea Estates; and

WHEREAS, the extension of Cool Well Court in Stafford Lakes Village will restore public road access to the three lots within Berea Estates; and

WHEREAS, J. L. Kent & Sons, Inc. was the lowest responsive bidder; and

WHEREAS, the Rocky Pen Run Reservoir project was identified in the current Capital Improvement Program;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of October, 2011, that the County Administrator be and he hereby is authorized to execute a contract with J. L. Kent and Sons, Inc. in an amount not to exceed Three Hundred Ninety Thousand Three Hundred Sixty-one Dollars (\$390,361), unless amended by a duly-executed contract amendment, for construction of Berea Estates Cool Well Court Extension for the Rocky Pen Run Reservoir Project.

Item 17. Utilities; Award a Contract for Haymes Brothers, Inc. to Excavate and Stockpile Clay for the Rocky Pen Run Dam

Resolution R11-273 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR CORE MATERIAL STOCKPILES FOR ROCKY PEN RUN RESERVOIR DAM

WHEREAS, the Rocky Pen Run Reservoir Dam will be an earthen dam; and

WHEREAS, it is imperative that sufficient qualifying core material is available for construction because the core is critical to an earthen dam; and

WHEREAS, the Utilities Department proposes to identify, excavate, and stockpile suitable core material prior to start of the construction of the Dam; and

WHEREAS, bidding documents were prepared and offered for public bid; and

WHEREAS, Haymes Brothers, Inc. were found to be the lowest responsive bidder; and

WHEREAS, this project is identified in the current Capital Improvement Program;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of October, 2011, that the County Administrator be and he hereby is authorized to execute a contract with Haymes Brothers, Inc. in an amount not to exceed Six Hundred Eighty-six Thousand Seven Hundred Seven Dollars (\$686,707), unless amended by a duly-executed contract amendment, for core material stockpiles for the Rocky Pen Run Dam project.

<u>Item 18. Approve Contract for Construction of the Rocky Pen Run Water Treatment</u> Plant

Resolution R11-282 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR CONSTRUCTION OF THE ROCKY PEN RUN WATER TREATMENT FACILITY

WHEREAS, bids were solicited and received for construction of the Rocky Pen Run Water Treatment Facility; and

WHEREAS, bids were opened on September 22, 2011; and

WHEREAS, MEB General Contractors, Inc. has been determined to be the lowest responsible and responsive bidder, the most qualified, and its proposal is reasonable for the scope of work for this project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of October, 2011, that the County Administrator be and he hereby is authorized to execute a contract with MEB General Contractors, Inc., in an amount not to exceed Twenty-five Million Eight Hundred Ninety Thousand Dollars

(\$25,890,000), unless amended by a duly-executed contract amendment, for construction of the Rocky Pen Run Water Treatment Facility.

Item 19. Utilities; Authorize the County Administrator to Execute a Contract for Aeration Basin Wall Repair at Little Falls Run Wastewater Treatment Facility
Resolution R11-283 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR AERATION BASIN 2A CONCRETE WALL REPAIR AT LITTLE FALLS RUN WASTEWATER TREATMENT FACILITY

WHEREAS, the Little Falls Run Wastewater Treatment Facility Aeration Basin 2A concrete wall is failing and is in need of repairs; and

WHEREAS, failure of the Aeration Basin 2A wall affects the reliability and treatment capacity of the facility by taking one treatment train out of service; and

WHEREAS, bids were solicited and received for demolition and reconstruction of the upper foot of the concrete wall; and

WHEREAS, three bids were submitted to the County, with the lowest responsive bid provided by Eastern Waterproofing & Restoration of Virginia in the amount of \$175,122; and

WHEREAS, staff determined that this bid is reasonable for the scope of work for this project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of October, 2011, that the County Administrator be and he hereby is authorized to execute a contract with Eastern Waterproofing and Restoration of Virginia in an amount not to exceed One Hundred Seventy-five Thousand One Hundred Twenty-two Dollars (\$175,122), unless amended by a duly- executed change order.

Item 20. Public Information; Commend Ken Mitchell for his Service to Stafford County

Citizens

Proclamation P11-18 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND KENNETH MITCHELL FOR HIS WORK AND SERVICE TO THE CITIZENS OF STAFFORD COUNTY

WHEREAS, Kenneth T. Mitchell represented the citizens of the Aquia District on the Stafford Planning Commission from 2005 to the present, and was also a member of the Board of Supervisors from 1994 to 2001, serving as its chairman in 1998 and 1999; and

WHEREAS, Mr. Mitchell's unwavering commitment to making Stafford County a premiere community where residents could live, work, and play was reflected in his pro-business attitude and his support for economic development; and

WHEREAS, Mr. Mitchell was a tireless advocate for building infrastructure such as Brooke Point High School, Stafford Middle School, the widening of Courthouse Road to serve those schools, Stafford Regional Airport, the Centerport Interchange, as well as many other schools and County facilities; and

WHEREAS, Mr. Mitchell served on the Joint Transfer of Development Rights Committee with the Board of Supervisors and the Planning Commission, working to preserve open spaces but allowing expansion of urban areas; and

WHEREAS, Mr. Mitchell's passion for public service extends beyond his role on the Planning Commission as evidenced by his membership on the Virginia Board of Towing and Recovery Operators and his service on the Board's Licensure and Regulatory Affairs Standing Committee and the Compliance and Consumer Affairs Standing Committee; as well as his service as an alternate on the Private Trespass Tow Board; and

WHEREAS, Mr. Mitchell championed many causes during his public service tenure in Stafford, playing active roles with the Chaplin Group Home Board; Central Rappahannock Regional Library Board of Trustees; Stafford County Parks and Recreation Commission; Civilian-Military Community Relations Council; Potomac and Rappahannock Transportation Commission; Potomac Watershed Roundtable; Rappahannock Regional Solid Waste Management Board; and the Rappahannock River Basin Commission, among others; and

WHEREAS, Mr. Mitchell's work has earned his colleagues' respect and trust, as well as an appointment in 1999 by Governor James Gilmore, to the Virginia Gas and Oil Board; and

WHEREAS, throughout his public service career, Mr. Mitchell has consistently demonstrated, through word and action, a true passion and deep pride in being instrumental in the present and future growth of Stafford as a vibrant community in which families can live, work, play, shop and visit, and where businesses can thrive; and

WHEREAS, the Board desires to express appreciation to Mr. Mitchell for all of his public service work, but especially his thoughtful insights and objective recommendations as the secretary to the Planning Commission and for his role on the Comprehensive Plan Committee;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 4th day of October, 2011, that it be and hereby does recognize and commend Kenneth T. Mitchell for his work on the Planning Commission and for his service to the citizens of Stafford County.

Item 21. Parks, Recreation and Community Facilities; Award Contract for Engineering and Design at Chichester Park

Resolution R11-279 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR PLANNING AND DESIGN SERVICES FOR CHICHESTER PARK

WHEREAS, the proposed development of Chichester Park will increase recreational opportunities for residents, and encourage broader community tournament opportunities, by providing additional sport fields and outdoor activities in the Hartwood District and for the benefit of all County citizens; and

WHEREAS, Chichester Park was identified for development in the 2009 Parks Bond; and

WHEREAS, the School Board has a construction project currently underway on the adjacent Stafford High School replacement site; and

WHEREAS, the School Board has an engineering consultant, Timmons Group, Inc., under contract for planning and design services for Stafford High School's (replacement) construction; and

WHEREAS, the County and the School Board may save on certain design and construction costs if Timmons Group, Inc. is used for planning and design services on both the Park and School projects; and

WHEREAS, Timmons Group, Inc. proposed to provide planning and design services for the Park project in an amount not to exceed \$595,779; and

WHEREAS, staff determined that this proposal is reasonable for the scope of work of this project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of October, 2011, that the County Administrator be and he hereby is authorized to execute a contract with Timmons Group, Inc., in an amount not to exceed Five Hundred Ninety-five Thousand Seven Hundred Seventy-nine Dollars (\$595,779) for planning and design services for Chichester Park; and

BE IT FURTHER RESOLVED that that the County Administrator be and he hereby is authorized to budget and appropriate funds in amount of Five Hundred Ninety Five Thousand Seven Hundred Seventy-nine Dollars (\$595,779) from Capital Reserves to the Capital Project Fund for planning and design of Chichester Park; and

BE IT STILL FURTHER RESOLVED that Intent to reimburse for the design of Chichester Park made out of the Capital Reserve Funds for FY2012 be and it hereby is adopted as follows:

CERTAIN CAPITAL IMPROVEMENT EXPENDITURES

<u>Section 1: Statement of Intent</u>. The County presently intends to finance planning and design services for Chichester Park with tax-exempt or taxable bonds or other obligations

(the "Bonds") and to reimburse capital expenditures paid by Stafford County (including expenditures previously paid by the County to the extent permitted by law) in connection

with the Chichester Park project before the issuance of the Bonds.

<u>Section 2: Source of Interim Financing and Payment of Bonds.</u> Stafford County expects to pay the capital expenditure related to the planning and design of Chichester Park

incurred before the issuance of the Bonds with an inter-fund loan or loans from the

General Fund or from temporary appropriations or loans from the Capital Reserve Fund. Stafford County expects to pay debt service on the Bonds from the General Fund

consisting of general tax revenues for the planning and design of Chichester Park.

Section 3: Effective Date; Public Inspection. This Resolution is adopted for the purposes

of complying with Treasury Regulation Section, 1.150-2, or any successor regulation, and shall be in full force and effect upon its adoption. The Clerk of the Board shall file a

copy of this Resolution in the records of Stafford County available for inspection by the

general public during Stafford County's normal business hours.

Item 13. Public Works; Award Contract for Brooke Road Improvements – Design and

Engineering Mr. Woodson expressed concern about the money being spent, that he felt

that developers should be responsible. Mr. Milde talked about the danger at what is

commonly referred to as James Hill and the number of fatalities that have occurred there.

Mr. Sterling said that in this case, there is no developer because the land is not inside a

UDA. Mr. Dudenhefer asked for confirmation from Mr. Jeff Harvey who replied that the

proposed improvements were north of Leeland UDA and south of the Brooke Station

UDA. Mr. Sterling added that Brooke Road had been identified by the Youth Drive Task

Force as an unsafe road.

Mr. Milde motioned, seconded by Mr. Sterling to adopt proposed Resolution R11-277.

The Voting Board tally was:

Yea: (5) Milde, Sterling, Dudenhefer, Snellings, Stimpson

Nay: (1) Woodson

Absent: (1) Crisp

Resolution R11-277 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR PROFESSIONAL SERVICES RELATED TO THE DESIGN AND ENGINEERING OF THE BROOKE ROAD SAFETY IMPROVEMENTS PROJECT

WHEREAS, in 2008, the citizens of Stafford County approved the issuance of bonds to fund certain road improvements within Stafford County; and

WHEREAS, a 1.8 mile section of Brooke Road south of Eskimo Hill Road was identified on the 2008 Bond Referendum and also included by the Youth Driver Task Force as an area in need of safety improvements; and

WHEREAS, the Board desires to initiate design of the improvements on this area of Brooke Road; and

WHEREAS, Stafford County issued a public solicitation for proposals from interested firms and seven proposals were submitted to the County; and

WHEREAS, staff has determined that A. Morton Thomas and Associates, Inc., is the most qualified firm to provide these services; and

WHEREAS, A. Morton Thomas and Associates, Inc. has submitted a cost proposal to perform surveying, environmental study, engineering, utility coordination, and right-of-way acquisition services for this project in an amount not to exceed \$846,292; and

WHEREAS, staff has determined that this proposal is reasonable for the scope of work proposed for this project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of October, 2011 that the County Administrator be and he hereby is authorized to execute a contract with A. Morton Thomas and Associates, Inc. in an amount not to exceed Eight Hundred Forty-six Thousand Two Hundred Ninety-two dollars (\$846,292) unless amended by a duly executed contract amendment, for professional services for design, surveying, environmental study, engineering, utility coordination, and right-of-way acquisition services for the Brooke Road safety improvements; and

BE IT FURTHER RESOLVED that that the County Administrator be and he hereby is authorized to budget and appropriate funds in amount of Eight Hundred Forty Six Thousand Two Hundred Ninety Two Dollars (\$846,292) in the Transportation Fund for professional services for design, surveying, environmental study, engineering, utility coordination, and right-of-way acquisition services for the Brooke Road safety improvements; and

BE IT STILL FURTHER RESOLVED that Intent to Reimburse for professional services for design, surveying, environmental study, engineering, utility coordination, and right-of-way acquisition services for the Brooke Road safety improvements made out of the Transportation Fund for FY2012 be and it hereby is adopted as follows:

NOTICE OF INTENT TO REIMBURSE CERTAIN CAPITAL IMPROVEMENT EXPENDITURES

<u>Section 1: Statement of Intent.</u> The County may finance Brooke Road safety improvements with tax-exempt or taxable bonds or other obligations (the "Bonds") and to reimburse capital expenditures paid by Stafford County (including expenditures previously paid by the County to the extent permitted by law) in connection with the Project before the issuance of the Bonds.

Section 2: Source of Interim Financing and Payment of Bonds. Stafford County expects to pay the capital expenditure for professional services for design, surveying, environmental study, engineering, utility coordination, and right-of-way acquisition services for the Brooke Road safety improvements incurred before the issuance of Bonds with appropriations from the Transportation Fund. Stafford County expects to pay debt service on the Bonds from the General Fund consisting of general tax revenues.

<u>Section 3: Effective Date; Public Inspection.</u> This Resolution is adopted for the purposes of complying with Treasury Regulation Section, 1.150-2 or any successor regulation and shall be in full force and effect upon its adoption. The Clerk of the Board shall file a copy of this Resolution in the records of Stafford County available for inspection by the general public during Stafford County's normal business hours.

BE IT STILL FURTHERED RESOLVED that the Virginia Department of Transportation be advised that Stafford County will pursue the completion of the safety improvements on Brooke Road as a Locally Administered Project; and

BE IT STILL FURTHER RESOLVED the County Administrator be and he hereby is authorized to sign all documents necessary for Stafford County to administer this project.

Item 14. Legislative; Approve Appointment of Steve Apicella as the Aquia District Representative to the Planning Commission Mr. Woodson expressed his concern that the Board Bank Application for Mr. Apicella was out-of-date. Mr. Milde said that Mr. Apicella's current resume was attached.

Mr. Sterling motioned, seconded by Mr. Milde to adopt proposed Resolution R11-259.

The Voting Board tally was:

Yea: (5) Milde, Sterling, Dudenhefer, Snellings, Stimpson

Nay: (1) Woodson

Absent: (1) Crisp

Resolution R11-259 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE PLANNING COMMISSION

WHEREAS, pursuant to Section 15.2-2212 of the Code of Virginia (1950), as amended, and Sections 2-17 and 2-18 of the Stafford County Code, the Board shall appoint members to serve on the Planning Commission; and

WHEREAS, the Board has previously appointed the following:

NAME	EXPIRATION DATE
Peter Fields (George Washington)	12/31/11
Holly Hazard (Hartwood)	12/31/13
Scott Hirons (Falmouth)	12/31/13
Gordon Howard (Rock Hill)	12/31/11
Cecelia Kirkman (Griffis-Widewater)	12/31/11
Kenneth Mitchell (Aquia)	12/31/13
Michael Rhodes (Garrisonville)	12/31/13

WHEREAS, Aquia District Representative, Kenneth Mitchell, has notified the Board and the Planning Commission of his intent to resign; and

WHEREAS, the Board desires to fill Mr. Mitchell's seat on the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of October, 2011, that

<u>NAME</u>	EXPIRATION DATE
Steven Apicella	12/13/13

be and he hereby is appointed to the Stafford County Planning Commission.

Economic Development; Authorize a Public Hearing to Request VDOT Transportation

Enhancement Program Funding for Continued Planning and Construction of the

Belmont-Ferry Farm Trail System

Ms. Stimpson motioned, seconded by Mr. Snellings to adopt proposed Resolution R11-287.

The Voting Board tally was:

Yea: (6) Stimpson, Snellings, Dudenhefer, Milde, Sterling, Woodson

Nay: (0)

Absent: (1) Crisp

Resolution R11-287 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING FOR OCTOBER 18, 2011 ON SUBMISSION OF AN APPLICATION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR FY12-13 TRANSPORTATION ENHANCEMENT PROGRAM FUNDS FOR CONTINUED PLANNING AND CONSTRUCTION OF THE BELMONT-FERRY FARM TRAIL SYSTEM (PHASES 4 AND 6)

WHEREAS, the Transportation Equity Act for the 21st Century (TEA-21) requires States to set aside a portion of its share of Federal Surface Transportation Program funds for the transportation enhancement program; and

WHEREAS, eligible projects include pedestrian and bicycle facilities, scenic or historic easements, scenic or historic highway programs, streetscaping and landscaping, historic preservation and rehabilitation, and billboard removal; and

WHEREAS, the Virginia Department of Transportation (VDOT) has established a competitive process for localities to apply for Transportation Enhancement Program funding; and

WHEREAS, in accordance with VDOT Enhancement Program application procedures, it is necessary that the Board hold a public hearing to receive input on the funding request; and

WHEREAS, the Board desires to request Enhancement Program funding in the amount of \$1 million, and commit to a local match of \$250,000 to continue planning and construction of the Belmont-Ferry Farm Trail System;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of October 2011, that the County Administrator be and he hereby is authorized to advertise a public hearing for October 18, 2011 on a request for FY12-13 VDOT Transportation Enhancement Program funding in the amount of \$1 million for continued planning and construction of the Belmont-Ferry Farm Trail System (Phases 4 & 6).

<u>Legislative</u>; <u>Closed Meeting</u>. At 9:11 p.m., Mr. Sterling motioned, seconded by Mr. Snellings, to adopt proposed Resolution CM11-16. It was agreed to add a discussion of a FOIA request to the Closed Meeting agenda.

The Voting Board tally was:

Yea: (6) Sterling, Snellings, Dudenhefer, Milde, Stimpson, Woodson

Nay: (0)

Absent: (1) Crisp

Resolution CM11-16 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Stafford County Board of Supervisors desires to discuss in Closed Meeting: (1) the potential acquisition of real property for a public purpose; (2) legal advice regarding pending litigation, *In re: Sept. 28, 2010 Decision of the Board of Zoning Appeals of Stafford County, VA*, Case No. CL 10-1425; (3) legal advice regarding the Feldbush FOIA request; (4) a personnel matter regarding the Citizen Action Officer position; and (5) legal advice regarding Austin Ridge subdivision; and

WHEREAS, pursuant to Virginia Code Sections 2.2-3711(A)(1), (3), and (7), such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 4th day of October, 2011, does hereby authorize discussions of the aforestated matters in Closed Meeting.

<u>Call to Order</u>. At 10:44 p.m., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification</u> Ms. Stimpson motioned, seconded by Mr. Snellings, to adopt proposed Resolution CM11-16(a).

The Voting Board tally was:

Yea: (4) Stimpson, Snellings, Dudenhefer, Woodson

Nay: (0)

Absent: (3) Crisp, Milde, Sterling

Resolution CM11-16(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON OCTOBER 4, 2011

WHEREAS, the Board has, on this the 4th day of October, 2011 adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 4th day of October, 2011, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

Adjournment	At 10:45 p.m. the Chairman declared the meeting adjourned.	

Anthony J. Romanello, ICMA-CM County Administrator

Mark Dudenhefer Chairman